

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

Court Minutes

May 25, 2009

There are no minutes for this date.

May 26, 2009

1006729-09

THE HONORABLE FRED K. MORRISON, Retired Associate Justice of the Court of Appeal, Third Appellate District, is hereby assigned to assist the Court of Appeal, Third Appellate District, as a justice thereof, on the following date(s):

August 3, 2009 To August 31, 2009

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

Dated: May 26, 2009

RONALD M. GEORGE
Chief Justice of California
and Chairperson of the Judicial
Council

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Butz, Associate Justice; and Haskett, bailiff.

C059192

In re THOMAS HOVANSKI on Habeas Corpus.

Cause called. Eric Weaver, court appointed counsel, argued for petitioner. Julie A. Hokans, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:57 a.m., the court recessed. At 10:00 a.m., the court reconvened with Scotland, Presiding Justice; Nicholson Associate Justice; and Morrison, Associate Justice.*

*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

Court Minutes

May 26, 2009, Continued

C058066 THE PEOPLE ex rel. REISIG v. THE BRODERICK BOYS; EDWARDS et al.

Cause called. Amitai Schwartz argued for movants-appellants. Jay S. Linden, Deputy District Attorney, argued for respondent. Cause submitted.

At 10:53 a.m., the court recessed. At 11:00 a.m., the court reconvened with Scotland, Presiding Justice; Raye Associate Justice; and Morrison, Associate Justice.*

C057152 COUNTY OF BUTTE et al. v. THE SUPERIOR COURT OF BUTTE COUNTY; WILLIAMS

Cause called. Brad J. Stephens, Deputy County Counsel, argued for petitioners. Martin J. Mayer argued for respondent. Joseph D. Elford argued for real party in interest. Cause submitted.

At 11:42 a.m., the court recessed. At 11:44 a.m., the court reconvened with Blease, Associate Justice; Nicholson Associate Justice; and Raye, Associate Justice.

C057202 HASSAN v. STATE OF CALIFORNIA et al.

Cause called. Manolo H. Olaso argued and Johnny Lewis Griffin, III appeared only for appellant. Jill Buttram Scally, Deputy Attorney General, argued for respondents. Cause submitted.

At 12:10 p.m., the court recessed until 9:30 a.m., Monday, June 15, 2009.

**C057147 THE PEOPLE v.
MICHAEL ANTHONY CEVALLOS**

(Not For Publication)

The judgment is affirmed.

RAYE, J.

We Concur: Scotland, P.J.

Nicholson, J.

**C057504 THE PEOPLE v.
ANTHONY JEROME HAIRSTON**

(Certified For Partial Publication)

The judgment is affirmed.

NICHOLSON, J.

We Concur: Scotland, P.J.

Robie, J.

*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

Court Minutes

May 26, 2009, Continued

- C057671 THE PEOPLE v. (Not For Publication)**
CARLOS ALBERTO MUNOZ LOPEZ
The matter is remanded to the trial court with directions to delineate and state the statutory basis for the fine, penalty assessments, and fees imposed in case No. CRF070000903, and to amend the order of probation accordingly. In all other respects, the judgments are affirmed.
CANTIL-SAKAUYE, J.
We Concur: Hull, Acting P.J.
Butz, J.
- C057965 THE PEOPLE v. DAVID MEEK (Not For Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Scotland, P.J.
Hull, J.
- C058086 THE PEOPLE v. (Not For Publication)**
BURTON GENE DAY
The order of the court is affirmed.
DAVIS, J.*
We Concur: Scotland, P.J.
Blease, J.
- C058093 THE PEOPLE v. (Not For Publication)**
FERNANDO VALENZUELA
The judgment is affirmed.
BUTZ, J.
We Concur: Scotland, P.J.
Hull, J.
- C058133 THE PEOPLE v. (Not For Publication)**
JAIME LOPEZ-ECHEVERRIA
The judgment is affirmed.
RAYE, J.
We Concur: Scotland, P.J.
Butz, J.

*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

Court Minutes

May 26, 2009, Continued

- C058145 THE PEOPLE v. (Not For Publication)**
REGINALD WHITFIELD
 The judgment is affirmed. The trial court is directed to correct the abstract of judgment in the manner set forth in part III of the Discussion, *ante*, and to forward a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation.
 DAVIS, J.*
We Concur: Nicholson, Acting P.J.
 Morrison J.*
- C058306 THE PEOPLE v. (Certified For Partial Publication)**
STEVEN MARK ROBERTSON
 The judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment to include the \$20 court security fee imposed by the trial court pursuant to section 1465.8, subdivision (a) (1), and to reflect defendant's 91 total days of presentence custody credit, and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
 DAVIS, J.*
We Concur: Scotland, P.J.
 Blease, J.
- C059552 THE PEOPLE v. CANDIDO CARDOSO (Not For Publication)**
 The judgment is affirmed.
 CANTIL-SAKAUYE, J.
We Concur: Raye, Acting P.J.
 Butz, J.
- C059696 In re K.B. et al.; SACRAMENTO (Not For Publication)**
COUNTY DEPARTMENT OF HEALTH
& HUMAN SERVICES v. S.B.
 The order of the juvenile court terminating appellant's parental rights is affirmed.
 BLEASE, Acting P.J.
We Concur: Nicholson, J.
 Butz, J.

*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

Court Minutes

May 26, 2009, Continued

C056252 THE PEOPLE v. LUIS PONCE, JR. (Not For Publication)
THE COURT:
The opinion of this court filed April 29, 2009, in the above titled case is modified...
This modification does not effect a change in the judgment.
As modified, the petition for rehearing is denied.
BY THE COURT:
SCOTLAND, P.J.
Blease, J.
Nicholson, J.

May 27, 2009

C058308 THE PEOPLE v. (Not For Publication)
RONALD EVANS PATTERSON
The judgment is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
Nicholson, J.

C058949 THE PEOPLE v. KAVASIO HALL (Not For Publication)
The judgment is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
Blease, J.

C059251 THE PEOPLE v. (Not For Publication)
YVONNE L. TACHINE
The judgment is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
Butz, J.

C058221 MCCARTNEY v. PHYSICIAN ASSISTANT (Not For Publication)
COMMITTEE OF THE MEDICAL BOARD
OF CALIFORNIA
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Sims, J.
Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

Court Minutes

May 27, 2009, Continued

C056832 **In re N.M.; SACRAMENTO COUNTY** **(Certified For Publication)**
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. R.M.; N.M.

The order of the juvenile court is affirmed.

RAYE, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

May 28, 2009

C055313 **THE PEOPLE v.** **(Not For Publication)**
CLARK ROBINSON

The judgment is modified to add a parole revocation fine pursuant to Penal Code section 1202.45 in the amount of \$10,000. Although this modification is already reflected in abstract of judgment, the trial court is directed to amend the abstract of judgment to reflect that defendant was sentenced on count two to a term of six years plus an enhancement of 10 years, with this term stayed. The court is further directed to forward a copy of the amended abstract to the Department of Corrections and Rehabilitation. The judgment is otherwise affirmed.

HULL, J.

We Concur: Nicholson, Acting P.J.

Butz, J.

C058857 **THE PEOPLE v.** **(Not For Publication)**
CHARLES GLEN SANDERS

The judgment orally pronounced by the trial court, and reflected in the abstract of judgment, is affirmed. The trial court is directed to prepare amended minute orders for the proceedings of April 30, 2008, deleting the purported orders that defendant pay a fee of \$51.50 pursuant to section 1202.5, a booking fee of \$128, a crime lab fine of \$157.50, and a domestic violence fee of \$400 in case Nos. 06F522 and 08F1096.

BUTZ, J.

We Concur: Scotland, P.J.

Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

Court Minutes

May 28, 2009, Continued

- C059024 THE PEOPLE v. (Not For Publication)**
LOREN ANTHONY POIRIER
The matter is remanded for the limited purpose of: (1) amending the probation order to identify the statutory bases for all fees and fines imposed, and (2) conducting a hearing on defendant's ability to pay attorney fees and costs of probation.
The trial court shall amend the probation order...
The judgment is otherwise affirmed.
BUTZ, J.
We Concur: Scotland, P.J.
Raye, J.
- C058415 CALIFORNIA ATTORNEYS ETC. v. (Certified For Publication)**
SCHWARZENEGGER, as Governor etc., et al.
The judgment is affirmed.
RAYE, J.
We Concur: Scotland, P.J.
Butz, J.
To the extent that SEERA has proved to be unwise or flawed, it is up to the Legislature or the people through the initiative process, not the courts to correct it. ...
SCOTLAND, P.J.
- C059012 AGARD v. MILLER et al. (Not For Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Raye, Acting P.J.
Butz, J.
- C059711 In re H.L.; SACRAMENTO COUNTY (Not For Publication)**
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. H.L.
The orders of the juvenile court are affirmed.
HULL, J.
We Concur: Scotland, P.J.
Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

Court Minutes

May 28, 2009, Continued

C060404 In re S.R. et al.; SACRAMENTO COUNTY (Certified For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. M.M. et al.

THE COURT:

It is ordered that the opinion filed herein on May 1, 2009, be modified...

The orders granting the petition for modification and terminating parental rights are reversed, and the matter is remanded with directions for the juvenile court to order DHHS to secure the services of an appropriate expert before conducting a new section 366.26 hearing.

This modification changes the judgment.

THE COURT:

NICHOLSON, Acting P.J.

Hull, J.

May 29, 2009

C057602 THE PEOPLE v. (Not For Publication)
STEVEN C. DAVIS

The judgment is affirmed.

ROBIE, J.

We Concur: Scotland, P.J.

Butz, J.

C057878 THE PEOPLE v. (Not For Publication)
ROBERT CLEMENT FUENTES

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to correct the clerical errors identified in Part III, *ante*, and then to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

SCOTLAND, P.J.

We Concur: Sims, J.

Nicholson, J.

C058110 THE PEOPLE v. (Not For Publication)
MARTY DUPREE HILLIARD

The judgment is affirmed.

NICHOLSON, J.

We Concur: Blease, Acting P.J.

Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

9

Court Minutes

May 29, 2009, Continued

- C058263 THE PEOPLE v. (Not For Publication)**
SOMSACK SOMPHOO KEOVILAYPHONE
The judgment is reversed ... In all other respects, the judgment is affirmed. The trial court shall prepare an amended abstract of judgment showing these changes to the judgment and shall forward certified copy of the same to the Department of Corrections and Rehabilitation.
CANTIL-SAKAUYE, J.
We Concur: Sims, Acting P.J.
 Nicholson, J.
- C058948 DENNIS v. SOUTHARD et al. (Certified For Partial Publication)**
The judgment is affirmed. Dr. Southard is awarded costs on appeal.
(Cal. Rules of Court, rule 8.278 (a) (2) .)
ROBIE, J.
We Concur: Sims, Acting P.J.
 Butz, J.
- C059205 THE PEOPLE v. (Not For Publication)**
ANTHONY ANDREW PABLO
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Raye, J.
 Butz, J.
- C057280 NUTTER & SON, INC. v. (Not For Publication)**
C059342 BENDER, INC., et al.
The judgment and the postjudgment order awarding attorney fees to Bender and National Fire Insurance are reversed. The trial court is directed to enter an order of summary adjudication on Nutter Electric's third cause of action for common count (quantum meruit). Bender's request for attorney fees on appeal is denied. Nutter Electric is awarded its costs for both appeals.
(Cal. Rules of Court, rule 8.278 (a) (1), (2) .)
BUTZ, J.
We Concur: Blease, Acting P.J.
 Sims, J.
- C058396 COUNTY OF SACRAMENTO v. (Certified For Partial Publication)**
SANDISON et al.
The judgment (order awarding attorney's fees) is affirmed.
BLEASE, Acting P.J.
We Concur: Sims, J.
 Nicholson, J.